

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
UNITED STATES OF AMERICA))	
)	CRIMINAL ACTION
vs.)	NO. 03-1764-CBS
)	(See also, U.S. District
JERMALL BUTLER,)	Court, Northern District
Defendant,)	of New York,
_____)	Case No. 03-CR-127-LEK)

ORDER
November 19, 2003

SWARTWOOD, M.J.

1. Background

On March 14, 2003, an Indictment was returned in the United States District Court, Northern District of New York, charging Jermall Butler ("Mr. Butler"), in Count One, with being a federal inmate with knowingly possessing heroin in violation of 18 U.S.C. §1791(a)(2) and (b)(1) and in Count Two, with being a federal inmate and possessing marijuana in violation of 18 U.S.C. §1791(a)(2) and (b)(3).

On September 30, 2003, Mr. Butler was arrested in this District in connection with the Indictment returned in the Northern District of New York.

At the time of Mr. Butler's initial appearance in this District in connection with the Northern District of New York Indictment, he was

advised of several rights including his right to a Rule 20 transfer. At that initial appearance, the Government moved for detention and Mr. Butler was advised of his right to an identity hearing, removal hearing and detention hearing. Mr. Butler waived the right to an immediate hearing with respect to identity, removal and detention but reserved his right to such hearings in the future. Additionally, Mr. Butler's counsel requested that the case be continued for a short period of time in order to allow Mr. Butler to pursue a Rule 20 transfer. I granted that request and continued all further matters in connection with Mr. Butler's appearance in this Court until October 10, 2003. On October 17, 2003, I allowed an assented to motion to continue this matter until November 18, 2003. On November 18, 2003, I held a status conference at which time counsel for the parties requested additional time to complete a Rule 20 transfer in this case. I granted that request.

2. Further Status Conference

A further status conference shall be held in this case on December 16, 2003, at 3:30 p.m., in Courtroom 1, Fifth Floor, Donohue Federal Building, United States Courthouse, 595 Main Street, Worcester, Massachusetts.

3. Excludable Time

With assent of counsel for the parties, I am excluding from the Speedy Trial Act, the entire period from September 30, 2003 (date of Mr. Butler's initial appearance in this Court in connection with this

matter) through December 16, 2003 (date by which a Rule 20 transfer of this case to this District should be completed). Therefore, assuming no further order of excludable time under the plan for prompt disposition of criminal cases, this case must be tried on or before Tuesday, February 24, 2004.

/S/CHARLES B. SWARTWOOD, III
CHARLES B. SWARTWOOD, III
MAGISTRATE JUDGE